

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERARD F. KOLPACKE,

Plaintiff,

Case No. 05-73734

v.

District Judge Victoria A. Roberts
Magistrate Judge R. Steven Whalen

CSX PENSION PLAN, CSX
TRANSPORTATION, INC., et al.,

Defendants.

ORDER

Before the Court is Plaintiff's Notice of Objections to the Purported Administrative Record [Docket #9], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons and under the terms stated on the record on February 9, 2006, the Objections are GRANTED IN PART AND DISMISSED IN PART, as follows:

1. As to bulletins, manuals, guidelines or other materials used to interpret the Plan documents, the objections are DISMISSED AS MOOT, given Defendant's representation that there are no such documents.

2. As to 1991 amendments to the Plan, the objections are DISMISSED AS MOOT, because those amendments are incorporated into the Plan which is already part of the administrative records.

3. As to the collective bargaining agreement (CBA), Plaintiff's objections are

GRANTED, and the CBA shall be filed with this Court as part of the administrative record.

SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: February 9, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 9, 2006.

S/Gina Wilson

Judicial Assistant